

REMARKS

I. Status of Claims

Upon entry of this amendment, claims 1, 3-11, 13, 23-26, 29, 30, 34 and 39-40 will be pending. Claims 1, 3-5, 7, 10, 13, 23, 29, 32, 34, and 35 have been amended. Claims 28 and 38 were previously cancelled. Claims 2, 12, 14-22, 27, and 37 have been cancelled herein. Claims 39 and 40 are newly added.

Applicants thank the Examiner for his suggestions regarding allowable claim language. Claims have been amended as suggested by the Examiner and in order to expedite prosecution of the application and advance the case toward allowance. In addition, claims 10 and 32 have been amended to correct typographical errors and now recite "selected from the group consisting of."

Support for all amendments is found throughout the specification. As no new subject matter has been added, entry of the amendments is respectfully requested.

II. Rejection under §112, first paragraph, enablement

Claims 1-13, 23-24, 27, and 29-36 remain rejected under 35 U.S.C. 112, first paragraph. Applicants traverse the rejection for at least the reasons of record. However, solely in order to expedite prosecution and achieve allowance, the claims have been amended to recite subject matter acknowledged by the Examiner to be enabling ("...because the specification, while being enabling for a recombinant nucleic acid sequence comprising SEQ ID NO:2 or comprising a nucleotide sequence encoding SEQ ID NO:3, and expression vector comprising said recombinant nucleic acid operably linked to a promoter and transgenic plant comprising said vector wherein the plant has an early flowering phenotype compared to a wild-type plant and a method for decreasing flowering time in a plant comprising transforming a plant with said vector...", Office Action, page 3). Reconsideration is respectfully requested.

III. Prior art and allowed claims

Applicants acknowledge that claims 1-13, 23-27, and 29-36 are deemed free of the prior art. Applicants further acknowledge and thank Examiner for allowing claims 25-26.

IV. Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Office is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Office is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. **03-1952** referencing docket no. **532792000800**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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